

Notice of Allowability

Application No.

10/632,776

Examiner

Tu X. Nguyen

Applicant(s)

TERRY, STEPHEN E.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/23/07.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 60/400,601.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wesley T. McMichael on 5/17/07.

The application has been amended as follows:

In claim 1, lines 13-14, delete the phrase "when all receivers exceed their quality requirement, the transmission power level is decreased." has been replaced with --- when all receivers sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased. ---

In claim 9, lines 11-12, delete the phrase "when all users exceed their quality requirement, the transmission power level is decreased." has been replaced with --- when all users sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased. ---

In claim 15, lines 10-11, delete the phrase "when all users exceed their quality requirement, the transmission power level is decreased." has been replaced with --- when all users sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased. ---

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In claim 21, lines 12-13, delete the phrase "when all of the plurality of wireless transmit/receive units exceed their quality requirement, the transmission power level is decreased." has been replaced with --- when all of the plurality of wireless transmit/receive unit sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased. ---

In claim 25, lines 11-13, delete the phrase "when all of the plurality of wireless transmit/receive units exceed their quality requirement, the transmission power level is decreased." has been replaced with --- when all of the plurality of wireless transmit/receive unit sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased. ---

Allowable Subject Matter

Claims 1-26 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, the prior arts fail to teach "when all receivers sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased", as cited in the claim.

Regarding independent claim 9, the prior arts fail to teach "when all users sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased", as cited in the claim.

Regarding independent claim 15, the prior arts fail to teach “when all users sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased”, as cited in the claim.

Regarding independent claim 21, the prior arts fail to teach “when all of the plurality of wireless transmit/receive unit sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased”, as cited in the claim.

Regarding independent claim 25, the prior arts fail to teach “when all of the plurality of wireless transmit/receive unit sending control information exceed their quality requirement, the transmission power of the transmitter level is decreased”, as cited in the claim.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



May 17, 2007



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SUPERVISORY PATENT EXAMINER
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